

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-172-S - ORDER NO. 2005-479
SEPTEMBER 8, 2005

IN RE: Petition from Midlands Utility, Inc. for a) ORDER
Sanitary Sewer Service Area Extension to) CONDITIONALLY
Service the Belmont Park Subdivision (Phase I) GRANTING EXPANSION
& II, 64 Lots, 19,200 Gallons per Day).) REQUEST

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Sanitary Sewer Service Area Extension Request of Midlands Utility, Inc. (Midlands or the Company). By its request, Midlands seeks to provide sanitary sewer service for the Belmont Park Subdivision, Phase I and II, encompassing 64 lots, which is adjacent to parcels currently served by Midlands, and is included in the franchised sewer area granted to Midlands by Lexington County. According to the Company, sewer from the project (estimated at some 19,200 gallons per day) will be connected to a nearby gravity main and transported through Midlands' existing collection system and transported to the City of Cayce for treatment and disposal.

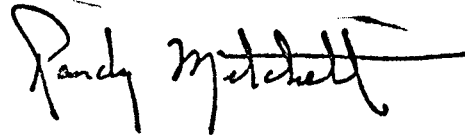
Pursuant to instructions from the Commission's Docketing Department, Midlands published a Notice of Filing in this matter in newspapers of general circulation in the affected areas. No Protests or Petitions to Intervene were filed. The Office of Regulatory Staff (ORS) filed a letter indicating that it did not oppose the Request. Midlands now seeks summary review of the Request by this Commission. 26 S.C. Code Ann. Regs.

103-504 (Supp. 2004) states that such expansions as those sought by Midlands may be approved after notice and due hearing. Pursuant to Regulation 103-501.3, we waive the hearing in this matter and we will dispose of the case summarily. We believe that the waiver is in the public interest, since all of the facts in the case are properly presented to this Commission in the written materials filed and brought before us.

We grant the Request, but with conditions. First, we agree that it is logical to approve Midlands' expansion to the Belmont Park Subdivision, since that Subdivision is directly adjacent to parcels currently being served by Midlands, and the area is included in the franchised sewer area granted to Midlands by Lexington County. However, we are concerned about the present performance bond which had been posted by the Company, and about the Company's difficulties with the South Carolina Department of Health and Environmental Control (DHEC), both of which were previously discussed in Order No. 2005-168. Accordingly, Midlands may expand its service as requested, but only after it has filed the \$100,000 performance bond as ordered in Order No. 2005-168, and only after this Commission has received written confirmation from DHEC that Midlands is in compliance with applicable DHEC Orders, Regulations, and requirements. We believe that Midlands must demonstrate that it has complied with these two conditions before it may expand its service territory as requested.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice-Chairman

(SEAL)